REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested.

The presently pending claims are generally directed to an elastic nonwoven web comprising fibers formed from a composition having a blend of two components. The two components comprise an elastomeric polyolefin having a density of less than 0.880 g/cm^3 and a nonelastomeric polyolefin having a density of at least 0.890 g/cm^3. As now amended, all of the claims require that the elastomeric polyolefin component be present in an amount from about 90% to about 50% and the nonelastomeric polyolefin component be present in an amount from about 10% to about 25%.

In the Office Action, claims 9-13 and 16 were rejected under 35 U.S.C. § 102(b) in view of U.S. Patent No. 5,382,631 to Stehling et al., while claims 9, 13-15 and 18-22 were rejected under 35 U.S.C. §102(b) in view of U.S. Patent No. 5,266,392 to Land et al. In addition, Claim 9-15 and 18-22 were rejected under 35 U.S.C. § 103(a) over Land et al. in view of Stehling et al., while claim 17 was rejected under 35 U.S.C. §103(a) over Stehling et al. in view of EP 0 600 482. Without commenting on the propriety of the rejections in the Final Office Action, the claims have now been amended to expedite prosecution of the present application. As now amended, it is believed that the claims patentably define over the above references either alone or in combination.

As discussed above, all of the claims now require that the elastomeric polyolefin component be present in an amount of from about 90% to about 50% and the nonelastomeric polyolefin component be present in an amount of from about 10% to about 25%. Support for this amendment can be found in Para. [0096] of the present application. As now amended, independent claim 9 is believed to patentably define over Stehling et al. as well as Land et al. Neither Stehling et al. nor Land et al. disclose or suggest the use of an elastomeric polyolefin component present in an amount of from about 90% to about 50% and an nonelastomeric polyolefin component present in an amount of from about 10% to about 25%.

Additionally, EP '482 teaches away from a nonelastomeric polyolefin having the characteristics as now claimed. For example, EP '482 teaches that the melt index of the high-pressure low-density polyethylene ("component B") should not exceed 20. As

particularly stated in EP '482 at page 6, lines 35-36, "if the melt flow rate of the polyethylene exceeds the upper limit of the range of from 0.1 to 20 g/10min, the film formation may be unstable."

The Federal Circuit has several times expressly addressed the issue of how to evaluate an alleged case of prima facie obviousness to determine whether it has been properly made. For instance, a prima facie case of obviousness can be rebutted if the applicant can show that the art in any material respect taught away from the claimed invention.

A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant. Furthermore, a prior art reference must be considered in its entirety, ie., as a whole, including portions that would lead away from the claimed invention. Thus, Applicants also submit that the currently pending claims also patentably define over EP '482 either alone or in combination with Stehling et al.

In summary, Applicants submit that the presently pending claims are patentably distinct over the cited references and are in complete condition for allowance. Should any issues remain after consideration of this response, however, than Examiner Cole is invited and encouraged to telephone the undersigned at her convenience.

Respectfully submitted,

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